

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. JOHN M. SHEERAN, and
3. KEVIN HARPER,

Defendants.

NO. CR24-184-RSM-1-3

PROTECTIVE ORDER

~~[PROPOSED]~~

1. This Protective Order governs all discovery material in any format (written or electronic) that is produced by the United States in discovery in the above-captioned case.

2. **Protected Material.** Discovery in this case includes materials and documents from financial institutions, payment platforms, electronic service and phone providers, and other third parties that include personal identifying information (PII). For purposes of this order, PII is defined as Social Security numbers, driver's license numbers, dates of birth, addresses, telephone numbers, email addresses, and bank or other financial account numbers. Redacting the discovery to delete PII from these documents would unnecessarily delay the disclosure of discovery to the defendants and would frustrate the intent of the discovery process, as set forth in the government's motion. For

1 the purposes of this order, the materials described in paragraph 2 are collectively,
2 “Protected Material.”

3 **3. Sensitive Material.** Discovery also includes extraction files from personal
4 cell phones that contain personal and sensitive information that may be unrelated to this
5 case, including but not limited to personal photographs of minors, family members,
6 defendants, and/or witnesses. It further includes recordings, namely jail calls and video
7 visits, that discuss personal and sensitive information that may be unrelated to this case.
8 For purposes of this order, the materials described in paragraph 3 are collectively,
9 “Sensitive Material.”

10 **4. Defense Team.** For purposes of this order, “Defense Team” shall be
11 limited to attorneys of record for the defendants and any of the following people working
12 on this matter under the supervision of the attorneys of record: attorneys, investigators,
13 paralegals, law clerks, testifying and consulting experts, and legal assistants. “Defense
14 Team” does not include the defendants.

15 **5.** Defense counsel is required to provide a copy of this Protective Order to
16 members of the Defense Team and obtain written consent from members of the Defense
17 Team of their acknowledgment to be bound by the terms and conditions of this Protective
18 Order, prior to providing any Protected or Sensitive Material to the members of the
19 defense team. Such written consent shall not, however, be required with respect to
20 members of the Defense Team who are employed by the same office as the attorneys of
21 record; in such case, it shall be sufficient for the attorneys of record to provide a copy of
22 this Protective Order to such other members of the Defense Team and to remind them of
23 their obligations under the Order. The written consent need not be disclosed or produced
24 to the United States unless reasonably requested by the Special Attorney or Assistant
25 United States Attorney and ordered by the Court.

26 **6. Designations.** The United States shall mark materials containing PII from
27 financial institutions, payment platforms, electronic service and phone providers, and
28 other third parties as “Protected Material.”

1 7. Materials extracted from personal cell phones and contained on recordings
2 are Sensitive Material without further designation from the United States.

3 8. **Restricted Access.** Access to Protected Material and Sensitive Material
4 will be restricted to the Defense Team, with the limited exceptions discussed in
5 paragraphs 9 through 11 below. Members of the Defense Team shall not provide copies
6 of any Protected Material or Sensitive Material to persons outside of the Defense Team,
7 except as specifically set forth below.

8 9. Members of the Defense Team shall retain custody of all copies of the
9 Protected Material and Sensitive Material, except as discussed below in paragraphs 10
10 and 11. Members of the Defense Team shall use Protected Material and Sensitive
11 Material only for the purpose of preparing a defense to the charges in this action.
12 Members of the Defense Team may review the Protected Material or Sensitive Material
13 with defendants and witnesses for purposes of trial preparation, provided that witnesses
14 may review the Protected Material or Sensitive Material only in the presence a member
15 of the Defense Team and may not take notes regarding the content of the Protected
16 Material or Sensitive Material.

17 10. **Review on Pretrial Release.** Defendants who are on pretrial release may
18 review Protected Material and Sensitive Material at the offices of their counsel but are
19 prohibited from printing out, copying, or disseminating Protected Material and Sensitive
20 Material. The Defense Team may, however, provide their client Protected Material that
21 either do not contain any PII or otherwise have been redacted by the Defense Team to
22 remove all PII. The Defense Team may also provide their client with Protected Material
23 with their own client's PII unredacted and/or Sensitive Material.

24 11. **Review While Detained.**

25 a. **Federal Custody.** Defendants who are held at the Federal Detention
26 Center (FDC) will be permitted to review the Protected Material and Sensitive Material,
27 consistent with the regulations established by the BOP, or with their respective counsel in
28 a controlled environment at the FDC, but will be prohibited from printing out, copying,

1 or disseminating the Protected Material and Sensitive Material. Defendants are
2 prohibited from maintaining a copy of the Protected Material or Sensitive Material, or
3 any notes made while reviewing that material, in their cell.

4 b. **State Custody.** Defendants who are in State custody may only
5 review discovery material, including, but not limited to, Protected Material and Sensitive
6 Material in the presence of a member of the Defense Team and may not take notes
7 regarding the content of the discovery material. Members of the defense team shall not
8 print out, copy, or otherwise disseminate any discovery material, including Protected
9 Material and Sensitive Material, to defendants. Defendants are further prohibited from
10 possessing or maintaining a copy, in whole or in part, of any discovery materials while in
11 custody and while this order is in effect, including any discovery materials that are not
12 Protected Material and Sensitive Material.

13 12. **Non-Waiver.** Nothing in this order shall prevent any party from seeking
14 modification of this Protective Order or from objecting to discovery that it believes to be
15 otherwise improper. If counsel for a defendant believes that the United States has
16 incorrectly designated material as Protected Material, the parties agree to first confer to
17 attempt to resolve the issue without the need for the Court's intervention. If the parties
18 are unable to resolve the dispute, either counsel is free to raise the issue with the Court by
19 way of a motion.

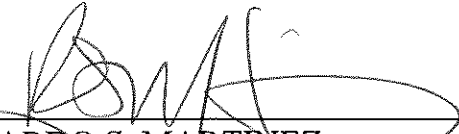
20 13. Nothing in this order shall be deemed to require the United States to
21 provide particular discovery at a time or in a fashion inconsistent with applicable case
22 law, Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

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1 The failure to designate any materials as Protected Material shall not constitute a waiver
2 of a party's assertion that the materials are covered by this Protective Order.

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4 DATED this 8 day of Nov, 2024.

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8 RICARDO S. MARTINEZ
9 United States District Court Judge

10 Presented by:

11 /s/ Robert S. Trisotto
12 ROBERT S. TRISOTTO
13 Special Attorney, Acting Under
14 Authority Conferred by 28 U.S.C. § 515
15 CINDY CHANG
16 Assistant United States Attorney
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